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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,147	12/01/2006	Hiroshi Ishibuchi	2006_1371A	5735

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EXAMINER	
CUMBESS, YOLANDA R	
ART UNIT	PAPER NUMBER
3651	

NOTIFICATION DATE	DELIVERY MODE
06/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/590,147	ISHIBUCHI ET AL.	
	Examiner	Art Unit	
	YOLANDA CUMBESS	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *37-41,49 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/18/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Newly submitted claims 27-36, 42-48, and 51-52 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are drawn to original claims 1-2, 4-5, 7-10, 12-14, 16-18, 20-22, 24, and 26 which were not elected in the present application. Claims 37-41, and 49-50 are directed to elected claims and are now considered.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27-36, 42-48, and 51-52 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's arguments filed on Page 10, Para. 10, have been fully considered but they are not persuasive. Applicant asserts that Kitamura does not disclose a heat resistant conveyor belt with a surface having a hardness corresponding to metal, such as steel, and being formed of wires having an uneven surface shape so that the belt surface pressure becomes high when the corrugated core paper are pressed and bonded together.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the surface hardness of the heat resistant conveyor belt) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Kitamura discloses the required elements of the heat resistant laminated conveyor belt including a belt core layer (1)(Fig. 1) comprising the heat resistant non-metallic fiber substrate (the belt is comprised of seamless textile fabrics that are heat resistant having fiber threads which are woven together, Para. 0015; the fiber threads may be comprised of metal or non-metal materials, Para. 0018). The intermediate layer (2)(Fig. 1) is laminated on the belt core layer (1) via an adhesive layer (Para. 0024, "adhesive layer") and comprises a fluororesin film (Para. 0021). The intermediate layer has been impregnated with the fluororesin dispersion (Para. 0024) and then dried and sintered (Para. 0025). Kitamura also discloses the surface layer (3)(Fig. 1) comprising the fluororesin film (Para. 0026, "fluororesin, PFA from textile fabrics, FEP") and having a fabric structure in which ferrous metal wires (high-strength metal fiber threads formed of stainless steel, and "shape-memory metal alloys", Para. 0018) that are arranged together as claimed (the metal fibers (wires) are woven together in a monofilament or multifilament fashion, Para. 0018-0020; and the wires cross diagonally, Para. 0022. In view of the teachings above, Applicant also does not point out why or how the disclosure of Kitamura does not disclose these elements.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view

of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments filed on Page 11, Para. 2, have been fully considered but they are not persuasive. Applicant asserts that Kitamura does not disclose: an intermediate layer made by impregnating a heat resistant non-metallic fiber substrate with fluororesin dispersion is inserted between the belt core layer and the surface layer and then followed by drying and sintering. Applicant merely states that instead Kitamura discloses an adhesive layer consisting of a film layer made of a fluorine resin PFA or FEP for example in order to bond a core layer and a surface layer together.

First, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Regardless, Kitamura does disclose the intermediate layer (2) that is impregnated with the fluororesin dispersion (Para. 0028; 0033) that is inserted between the belt core layer (1) and the surface layer (3)(Fig. 1) and then followed by drying and sintering (Para. 0039).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37-41, and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura et al (JP Patent Publication No. 11-105171).

Relative to claims 3, 6, 11, 19, 23, and 25, Kitamura discloses a heat resistant laminated conveyor belt (Fig. 1) comprising: a belt core layer made (1)(Fig. 1) by a heat resistant non-metallic fiber substrate (Para. 0014, 0018; 0024) which has been impregnated with a fluororesin dispersion and then dried and sintered, an intermediate layer (2)(Fig. 1) laminated on said belt core layer (1) via an adhesive layer (intermediate layer comprises an adhesive layer) and comprising a fluororesin film (Para. 0014; 0021; 0024 "film layer of fluororesin"), said intermediate layer (2) comprises a heat resistant non-metallic fiber substrate being impregnated with a fluororesin dispersion and then dried and sintered (Para. 0020-0021); a surface layer (3)(Fig. 1) laminated on said intermediate layer (2) via an adhesive layer comprising a fluororesin film (Para. 0024); said surface layer (3) has a fabric structure using an element wire or wires (0023; 0018) comprising a ferrous metal ("metal fibers" made of stainless steel or shape memory alloy), or has a structure in which said element wire or wires are arranged together

(fibers are woven together, Para. 0016; 0018-0019); said ferrous metal is a steel selected from iron steel, carbon steel, or stainless steel ("stainless steel", Para. 0018); said heat resistant non-metallic fiber substrate is selected from at least one of a glass fiber, carbon fiber, aramide fiber, aromatic allylate fiber and polyparaphenylenebenzobisoxazole (PBO) fiber (Para. 0018); said adhesive layer is a resin film layer of a polytetrafluoroethylene (PTFE) resin, denatured poly tetrafluoroethylene (denatured PTFE) resin, tetrafluoroethylene hexafluoropropylene copolymer (FEP) resin, tetrafluoroethylene perfluoroalkoxyethylene copolymer (PFA) resin, ethylene tetrafluoroethylene copolymer (ETFE) resin, or ethylenechlorotrifluoroethylene copolymer (ECTFE) resin (0021); and one or both of said intermediate layer (2) and belt core layer (1) on the inner side of said surface layer (3) are a plurality of layers (Fig. 1)(Para. 0028).

Relative to claims 23 and 25, the disclosure of Kitamura includes the method of manufacturing a heat resistant laminated conveyor belt comprising: a first step of forming a belt core layer (1) by impregnating a heat resistant non-metallic fiber with a fluororesin dispersion and then dried and sintered (Para. 0021; 0024); a second step of forming an intermediate layer (2) by impregnating a heat resistant non-metallic fiber with a fluororesin dispersion, then drying, sintering, and then lapping it over said belt core layer via an adhesive layer comprising a fluororesin film, and a third step of lapping a surface layer (3) over said intermediate layer (2) via an adhesive layer comprising a fluororesin film (0018-0023), said surface layer (3) having a fabric structure including an element wire or wires made of a ferrous metal or having a structure in which said

element wire or wires are arranged together (Para. 0018-0020), and bonding said surface layer (3) together with said belt core layer (1) and intermediate layer (2) by a heat sealing lamination process (Para. 0023-0025); and one or both of said intermediate layer (2) and belt core layer (1) on the inner side of said surface layer (3) are a plurality of layers lapped one on another via an adhesive layer or layers (Fig. 3) and then subjecting said layers (1, 2) to the heat sealing lamination process (Para. 0025-0028).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art Unit 3651

/YOLANDA CUMBESS/
Examiner, Art Unit 3651